

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12011-MLW

CARLOS A. AGUIAR,)
 Plaintiff)
)
 v.)
)
LIMA & CURA FISHING)
CORPORATION,)
 Defendant)

**DEFENDANT LIMA & CURA FISHING CORPORATION'S OPPOSITION TO THE
PLAINTIFF'S CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT**

Now comes the defendant, Lima & Cura Fishing Corporation (the "defendant" or "Lima & Cura") and hereby respectfully requests that this Court deny the plaintiff's cross motion for partial summary judgment on the issue of contributory negligence, pursuant to Rule 56 of the Federal Rules of Civil Procedure. As grounds for this opposition, the defendant states that there are genuine issues of material fact with respect to the defendant's claim that the plaintiff was contributorily negligent and that the defendant can sustain its burden of establishing sufficient facts from which to base a finding that the plaintiff was indeed negligent and such negligence contributed to his injuries. In further support, the defendant submits the attached memorandum of law in support of its opposition to the plaintiff's cross motion for partial summary judgment and the defendant's opposition to the plaintiff's statement of undisputed facts.

For the Defendant,

Lima & Cura Fishing Corporation
By its attorneys,

REGAN & KIELY LLP

/s/ Joseph A. Regan
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Boston, MA 02109
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed a true copy of the above document with the Clerk of the Court, which system will send notification of this filing to all counsel of record.

/s/ Joseph A. Regan
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Date: February 22, 2006